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February 1, 2006

Via Hand Delivery and Electronic Filing

The Honorable Gregory M. Sleet United States District Court 844 N. King Street Lock Box 19 Wilmington, DE 19801

> Re: Kopacz v. Del. River and Bay Auth. et ano., D. Del., C.A. No. 04-911 (GMS) Kopazc v. Del. River and Bay Auth., D. Del., C.A. No. 04-1281 (GMS)

Dear Judge Sleet:

In response to Your Honor's email of January 31, 2006 regarding the Voir Dire questions, I am writing to advise that the DRBA has no further comments to the Court's Voir Dire, and will not restate its request for additional questions proposed at the pretrial conference as the Court has already ruled.

Further, in accordance with Your Honor's instruction, I am writing to advise of Delaware River and Bay Authority's position on the issue of whether the Court should include Cathy Kopacz in the text of the Voir Dire. As Cathy Kopacz has made no claim against the DRBA, we take no position on whether her claim against Swett is still valid, but request that if the Court does mention Mrs. Kopacz in any context, it be made clear that her consortium claim is against Swett only since maritime law does not permit such a claim against the vessel owner.

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I am available at the Court's convenience should Your Honor have any further question in this regard.

> Respectfully, /s/ Carmella P. Keener Carmella P. Keener (DSBA No. 2810) ROSENTHAL, MONHAIT, GROSS & GODDESS, P.A. 919 N. Market Street, Suite 1401 P.O. Box 1070 Wilmington, DE 19899-1070 (302) 656-4433 ckeener@rmgglaw.com Attorneys for Defendant Delaware River and Bay Authority

CPK/jls

James J. Woods, Esquire (via electronic filing) cc: Donald M. Ransom, Esquire (via electronic filing) E. Alfred Smith, Esquire (via electronic mail) Mary Elisa Reeves, Esquire (via electronic mail) Clerk of the Court (via hand delivery)